

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Steven Thomas on April 23, 2010.

3. The application has been amended as follows: Claims 6, 7, 9-15 and 29.

6. (Currently Amended) A system ~~for reducing capital required to be held in connection with a subject pool of loans~~ comprising:

a processor for executing computer-readable instructions; and

a non-transitory computer-readable storage medium storing the program instructions, the program instructions, when executed by the processor, performing a process to reduce capital required to be held in connection with a subject pool of loans, the process comprising:

~~means for~~ assisting in obtaining a credit risk rating of the loans in the subject pool;

~~means for~~ allocating credit risk for the subject pool among a plurality of parties, based on the credit risk rating and a loss performance of the subject pool in comparison to a reference pool of loans having similar characteristics to the loans in the subject pool;

~~means for~~ applying capital reserve requirements to the subject pool based on the credit risk rating and the credit risk allocated to a party subject to the capital reserve requirements for loans in the subject pool;

~~means for~~ holding an amount of capital against the subject pool based on application of the capital reserve requirements.

7. (Currently Amended) The system of claim 6, wherein ~~the means for~~ allocating credit risk for the subject pool further comprises:

~~means for~~ capping a portion of the credit risk to a maximum level for the party subject to the capital reserve requirements from the plurality of parties.

9. (Currently Amended) The system of claim 6, wherein ~~the means for~~ allocating credit risk for the subject pool comprises:

Art Unit: 3693

~~means for~~ assigning a portion of the credit risk for the subject pool to the party subject to the capital reserve requirements; and

~~means for~~ assigning a remaining portion of the credit risk to a second party.

10. (Currently Amended) The system of claim 9, wherein the credit risk rating includes a plurality of rating categories, and wherein ~~the means for~~ assigning a portion of credit risk for the subject pool further comprises:

~~means for~~ assigning the portion of credit risk on a category by category basis for each of a plurality of rating categories; and

~~means for~~ capping the portion of assigned credit risk to a maximum level for each of the plurality of rating categories.

11. (Currently Amended) A non-transitory computer program product, ~~stored on a tangible~~ computer-readable medium[[,]] comprising computer-executable instructions for reducing capital required to be held in connection with a subject pool of loans by including code for causing a processor to perform a process comprising:

accessing data regarding a credit risk rating of the loans in the subject pool;

accessing data regarding allocating credit risk for the subject pool among a plurality of parties, based on the credit risk rating and a loss performance of the subject pool in comparison to a reference pool of loans having similar characteristics to the loans in the subject pool;

applying capital reserve requirements to the subject pool based on the credit risk rating and the credit risk allocated to a party subject to the capital reserve requirements for loans in the subject pool;

presenting an indication of the amount of capital held in connection with the subject pool based on application of the capital reserve requirements.

12. (Currently Amended) The non-transitory computer-readable medium ~~product~~ of claim 11, wherein accessing data regarding allocating credit risk for the subject pool further comprises:

for the party subject to the capital reserve requirements from the plurality of parties, accessing data regarding capping the specified party's a portion of the credit risk allocated to the party to a maximum level.

13. (Currently Amended) The non-transitory computer-readable medium ~~product~~ of claim 12, wherein the maximum level is a percentage of the subject pool value.

Art Unit: 3693

14. (Currently Amended) The non-transitory computer-readable medium ~~product~~ of claim 11, wherein accessing data regarding allocating credit risk for the subject pool comprises:

accessing data regarding assigning a portion of the credit risk for the subject pool to the party subject to the capital reserve requirements; and

accessing data regarding assigning a remaining portion of the credit risk to a second party.

15. (Currently Amended) The non-transitory computer-readable medium ~~product~~ of claim 14, wherein the credit risk rating includes a plurality of rating categories, and wherein an assigned portion of the credit risk applies on a category by category basis for each of a plurality of rating categories, and the assigned portion of credit risk is capped to a maximum level for each of the plurality of rating categories.

29. (Currently Amended) A system ~~for reducing capital required to be held in connection with a subject pool of assets~~ comprising:

a processor for executing computer-readable instructions; and

a non-transitory computer-readable storage medium storing the program instructions, the program instructions, when executed by the processor, performing a process to reduce capital required to be held in connection with a subject pool of loans, the process comprising:

~~means for~~ obtaining a risk rating of the assets in the subject pool;

~~means for~~ retaining, by a party subject to capital reserve requirements for loans in the subject pool among a plurality of parties, a portion of risk for the subject pool, based on the risk rating and a loss performance of the subject pool in comparison to a reference pool of loans having similar characteristics to the loans in the subject pool;

~~means for~~ applying the capital reserve requirements to the subject pool based on the risk rating and the portion of risk retained by the party subject to the capital reserve requirements for loans in the subject pool;

~~means for~~ determining an amount of capital to hold in reserve in connection with the subject pool based on application of the capital reserve requirements; and

~~means for~~ presenting the determined amount of capital.

Allowable Subject Matter

4. Claims 1-15, 28 and 29 are allowed.

5. The following is an examiner's statement of reasons for allowance: The closest prior art of record is Gould et al.(5,966,700). Gould et al. teaches using a contract to divide the

Art Unit: 3693

responsibility for guaranteeing against mortgage pool credit losses between a mortgage originator (e.g., a bank) and a mortgage funding institution. In the Gould et al. system, a mortgage originator and a funding institution enter into a contract, called a master commitment agreement, which assigns responsibility between the mortgage originator and the funding institution for different portions of the credit losses for a pool of mortgages funded by the funding institution and originated by the originator. Furthermore, the exact loans included in the pool covered by the master commitment agreement are specified in a delivery commitment agreement (credit enhancement), which is a contract between the funding institution and the mortgage originator that defines the note rates, agent fees, closing time interval, product type, total dollar amount, and other terms pertaining to the funding of certain individual or groups of mortgages. Under the credit enhancement arrangement, an owner of an interest in the mortgage pool receives payments from either the originator or the funding institution to replace credit losses that the owner would otherwise experience if the mortgage pool were not guaranteed according to the master commitment agreement.

6. Gould et al. does not teach a requirement to hold a specified amount of capital in reserve. Gould et al. contains no teachings relating to "calculating" an amount of capital based on capital reserve requirements. Lastly, Gould et al. contains no teaching of comparison being made to a reference pool of loans having similar characteristics to the loans in the subject pool.

7. Other pertinent prior art: Seiberg, "Risk-Indexed Capital Rules Proposed by Global Panel."

Art Unit: 3693

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMICA L. NORMAN whose telephone number is (571)270-1371. The examiner can normally be reached on Mon-Thur 6:30a-5p, w/ Fri off.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6781. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

sln